

**‘A STRONG SMELL OF BRIMSTONE’**  
**The Solicitors and Attorneys of Bristol**  
**1740 to 1840**



**JOHN LYES**

# THE BRISTOL BRANCH OF THE HISTORICAL ASSOCIATION LOCAL HISTORY PAMPHLETS

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*Cover Illustration:* Jemmy Hughes, Attorney of Bristol, 'The devil upon two sticks' (*Bristol Reference Library*)

## **‘A STRONG SMELL OF BRIMSTONE’ The Solicitors and Attorneys of Bristol 1740 to 1840**

A gentleman in the country, who had just buried a rich relation, an attorney, was complaining to [a Londoner] of the very great expense of a country funeral. ‘Why, do you bury your Attornies here?’ asked [the Londoner] gravely,- ‘Yes, to be sure we do: how else?’ - ‘Oh! we never do that in London,’ - ‘No!’ said the other, much surprised, ‘how do you manage?’ ‘Why, when the patient happens to die, we lay him out in a room over night by himself, lock the door, throw up the sash, and in the morning he is entirely gone off.’ ‘Indeed!’ cried the other in amazement; ‘what becomes of him?’ ‘Why, that we cannot exactly tell, not being acquainted with supernatural causes, - All that we know of the matter is that there’s *a strong smell of brimstone in the room the next morning.*’

*Bristol Gazette* 21 June 1821

Doubtless many a Bristol merchant chuckled as he read this anecdote but at the same time he would have had to recognise that he needed his attorney’s services to conduct his affairs; the latter arranged his mortgages, drafted his will and sued his reluctant debtors. The activities of Bristol’s merchants are well recorded while those of his professional advisers are not so readily available. However some attorneys’ and solicitors’ papers have survived and, with the aid of these and other contemporary records, it is possible to build a picture of the way in which the members of the profession were trained and educated, the kind of professional work they did, the commercial activities they undertook, the offices of profit they occupied and the part they played in the political and social life of the city.

Attorneys, who practised in the common law courts, acted as intermediaries between the lay client and the bar (who had a monopoly to plead in the higher courts) and also appeared as advocates in the lower

**WHEREAS** Information hath been given, that in the Night of SATURDAY, the 3d of January instant, viz. about Two o'clock in the Morning of Sunday, two distinct Shrieks, and two distinct fearful Groans, were heard in the Neighbourhood of *Lewin's Mead*, in this City, and the words "*Murder*," and "*Watch*," were also heard in such a way as to create a suspicion that Mr. CHARLES PIERCE, Attorney, of this City, who has been missing ever since half past Twelve o'clock on that Night, may have been murdered, or otherwise most grievously ill treated,

It is earnestly requested that any Person or Persons who heard such Shrieks and Groans, besides the Persons who communicated the above Information, will be pleased to call upon a COMMITTEE OF GENTLEMEN, who are sitting daily at the *Tolkey Court Office*, No. 88, *Broad-Street*, *Bristol*, and make any Communication respecting the Place from whence the Shrieks and Groans proceeded; as by so doing they may probably render essential Service to the Cause of Humanity and Justice.

And it is requested that the Person in a light coloured Great Coat, who was seen about a quarter before One o'clock the same Night, in Upper Church Lane, St. Michaels, leading into the Church Yard, will be pleased to call upon the same Committee, or inform them who he is.

BRISTOL, 15th January 1824.

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JOHN MILLS, PRINTER, GAZETTE-OFFICE, No. 16, CORN-STREET, BRISTOL.

*Poster seeking information following the disappearance of  
Charles Pierce (Bristol Reference Library)*

courts, whereas solicitors, who practised in chancery, were particularly concerned with matters relating to land and trusts. Since the majority of practitioners were qualified in both jurisdictions, the terms had become virtually interchangeable by the middle of the eighteenth century. An example of this can be seen in the case of Charles Pierce who disappeared in mysterious circumstances in January 1824 and a notice seeking information about his fate issued by his professional brethren, who feared he had been murdered, referred to him as an attorney. In fact he appears to have fallen in the floating harbour after dining with a friend and an obituary announcement in the *Gentleman's Magazine* described him as a solicitor.

Attorneys and solicitors received their training by being articled to a practitioner. A statute of 1730 'for the better Regulation of Attorneys and Solicitors' stipulated that no person should be admitted to practise in the central courts unless he had 'been bound by contract in writing to serve as a clerk for and during the space of five years'. This was not a new requirement: it merely recorded the established practice. The parties to the articles of clerkship were the clerk, his parent and the principal; in most cases a premium was paid and the clerk became a member of the master's household. The premiums paid to Bristol apprentice masters varied from £50 to £130 but to be apprenticed in London was more expensive; in 1723 John Hippisley of Emborough, Somerset paid the sum of £200 to Thomas Lyte of New Inn to secure the apprenticeship of his son John who subsequently practised in Bristol. Nicholas Jackson of Sneed Park considered apprenticing his son to a London attorney and on 26 December 1743 Mr. Bold of Essex Street wrote:

If the young gentleman ... be with me for five years I will take but 250 guineas and will pay the Stamp Duty myself out of that money. If I should dye within the first year to return 150 guineas ... Mr. Lucas who was formerly my clerk has a young gentleman of fortune with him for three years who has 300 guineas with him for that time.<sup>1</sup>

Jackson junior was apprenticed to Mr. Bold and on 8 March 1745 the attorney was able to report to his father:

... [I] was willing to wait a while till your son had been with me some day by way of tryal to see how wee liked each other not that I doubted in the least but we should agree very well and I can with pleasure inform you that the young gentleman behaves full as well as I could expect or desire and I hope we shall like each other every day better than the past ...

Matthew Gravett Hawkins was apprenticed to Matthew Hawkins on 26 April 1796 and his covenants principally related to honest conduct although he also undertook not to absent himself from his master's house by night without consent.<sup>2</sup> In November 1800 Arthur Palmer senior took his nephew of the same name as his articulated clerk; the young man had worked in his uncle's office since the age of fourteen and was articulated for five years at the age of sixteen. Palmer senior paid the stamp duty of £100 on the articles and also arranged for his nephew to spend time in the office of his London agent after the articles had expired.<sup>3</sup> Of Sir John Kerle Haberfield (who practised from about 1820) it was said that 'With each articulated clerk he gave a splendid dinner at the White Lion when he introduced the legal neophyte to his friends in a speech which the young candidate for the profession did not soon forget'<sup>4</sup>

Neaste Greville Prideaux, who subsequently practised in Bristol, was articulated to George Tuson of Ilchester and his journal covering the years 1801 to 1804 records some of his activities.<sup>5</sup> He evidently lived as a member of Tuson's family and attended balls and other social functions with them. He went hare coursing with his principal and there were no doubt high jinks on occasions; he records how one evening he was locked in the wine cellar for two hours with a female relative of Mrs. Tuson! He studied and worked as well; on 10 December 1801 he began reading Blackstone's *Commentaries* for the second time. He presided at manorial courts, deputized as county clerk at assize time, interviewed witnesses, prepared and served subpoenas and instructed a client in the intricacies of livery of seisin<sup>6</sup>.

Not all attorneys' clerks behaved impeccably; on 20 November 1784 *Felix Farley's Bristol Journal* published a letter from 'Square Toes' who complained:

There was a time within my remembrance ... when the Apprentices and Attornies Clerks of Bristol were wont to dress in a plain suit of clothes and worsted stockings but now alas *tempora mutantur*, and this decent becoming dress must give place to costliness, extravagance and profusion - gold-laced waistcoats, ruffled shirts and silk stockings are become the wear of almost every Shop Boy in the city ...

The correspondent went on to observe that apprentices no longer appeared at divine worship on Sundays and suggested that masters should set an example of more pious and decent conduct, concluding 'the shocking depravity of the times, the recent instances of robbery, barbarity and murder point out the necessity of such conduct, and make it unnecessary for me to add more'.

In London scriveners constituted a separate profession and there was a long running dispute between the Scriveners Company and the Society of

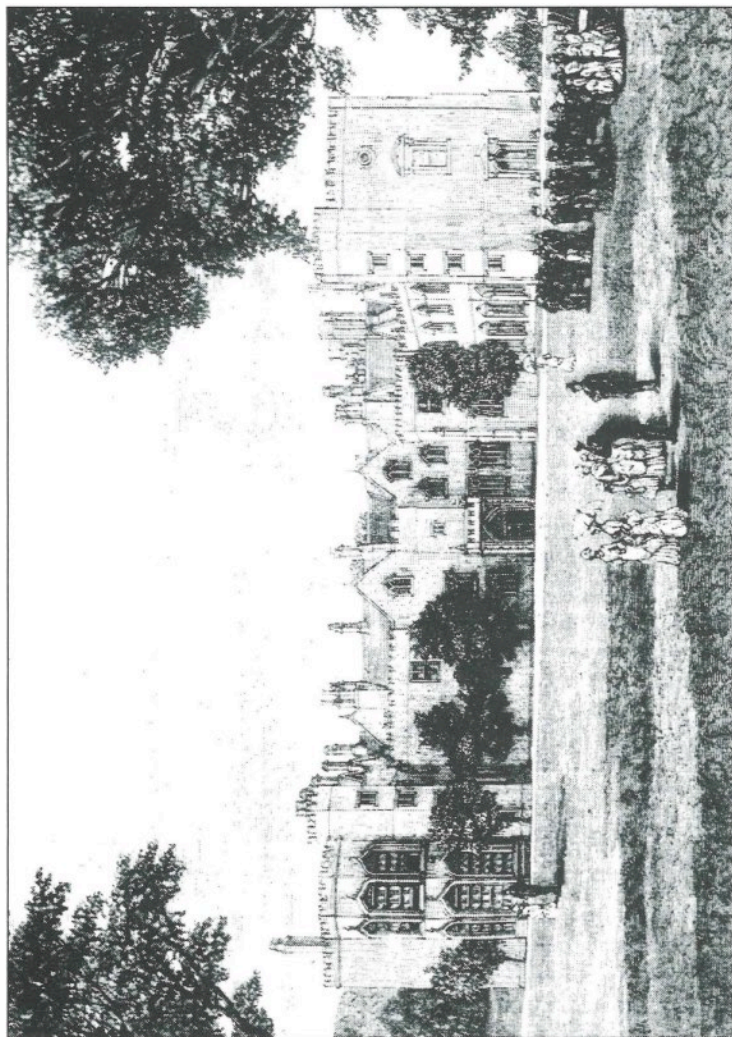
Gentlemen Practisers (representing the attorneys) over the sole right to undertake conveyancing in the city; it was resolved in favour of the attorneys and thereafter the scriveners disappeared from the scene. In Bristol no such battle occurred although the city's calendar of apprentices records many young men being apprenticed as scriveners (sometimes called scribes or scribblers) and in almost all cases the masters were attorneys; it seems that they were employed as clerks in lawyers' offices although a few of them appear later as fully-fledged attorneys.

No doubt life as an articled attorney whose father had paid a substantial premium was more agreeable than that of an apprenticed scrivener. Some picture of the latter can be gained from accounts of the life of Thomas Chatterton who, at the age of fourteen and a half was on 1 July 1767 apprenticed as a scrivener to John Lambert, attorney of Bristol.<sup>7</sup> A premium of £10, provided by Edward Colston's charity, was paid to Mr. Lambert and the apprentice covenanted that he would not frequent taverns, play at dice, commit fornication or contract matrimony. Chatterton lived at Lambert's private house; the office hours were from 8 am until 8 pm with two free hours in the evening during which he usually visited his mother and sister who lived nearby, although he had to be back with the servants by 10 pm. He had little or no work to do and disliked having to take his meals with the servants in the kitchen and sleeping with the footboy.

There was no control over the educational standards of the profession until a statute of 1843 established compulsory examinations for those applying to be admitted as solicitors. Before that, on the expiration of the apprenticeship or articles, admission was the responsibility of the judges who normally carried out a very perfunctory interview of the candidate before admitting him. An examination for prospective articled clerks was instituted in 1860. There was an attempt to provide legal education in Bristol in 1832; the *Bristol Gazette* of 27 September carried an advertisement that 'A permanent course of lectures on the Laws of England designed chiefly for Gentlemen studying with a view to Practice, is proposed to be holden in the City of Bristol in imitation of those lately instituted in Manchester, Liverpool, Birmingham'. The advertiser was Richard Haynes, a solicitor, who added that 'The method to be catechetical as used in the Universities, that is - the Student will be required previously to peruse the subject of the Lecture, and at each meeting, answer such questions as may arise thereon.' He offered students the opportunity to attend for one month, after which they could withdraw without payment if they found no benefit. He also encouraged solicitors to attend one lecture so that they could recommend the course to their clerks.

Once qualified an attorney had to establish himself in practice; some obviously found this difficult and tried to gain further experience at their





*Ashton Court Mansion (Malago Society)*



clients' expense; the *Law Times* of 10 July 1847 carried the following comment:

#### ADVERTISING ATTORNIES

Many advertisements have been pilloried here of lawyers offering *cheap law*. But none have we ever seen so liberal as this, which offers law for *nothing*. Probably the advertiser knows the value of his own commodity. It appears in the *Bristol Mercury* for the 26th of June last:

BRISTOL COUNTY COURT. A professional Gentleman of respectability, and who is anxious to acquire greater experience in a branch of professional knowledge of which he is very fond, viz, the practice of the Common Law offers his GRATUITOUS SERVICES to the Inhabitants of Bristol and its Neighbourhood in the conduct or defence of causes in this court. Unexceptionable references can be given. Apply by letter, pre-paid to W.G.C, Bristol Mercury.

There were no doubt others who had difficulty in making a living; Peter Haynes was a 'hedge attorney', one debarred from practice owing to non payment of fees. He admitted that he had prepared many blank forms of wills which James Barry, the licensee of the Harp and Star, persuaded seamen who lodged with him to sign before they embarked; if they died with assets Barry completed the wills by making himself the beneficiary of their estates. Barry was executed in 1746, going to the scaffold 'as though he had been going to a wedding' but Haynes' fate is not recorded.

An attorney who was more successful in establishing himself was Jarrit Smith. He was the son of a soapboiler (who was, albeit, in a substantial way of business); he was born in 1692 and by 1713 was in practice as an attorney in Bristol<sup>8</sup>. Even in the early years he was lending money to clients; in 1722 he lent William Sheppard one guinea secured on a promissory note and a further £65 secured by a bond; by 1725 he was lending larger sums upon a mortgage of property although he was not above lending a further sum of seven guineas in the same year taking Sheppard's gold watch as security. Apart from money-lending his work appears to have been almost entirely litigious in nature, relating to disputes about property and the administration of estates. A collection of counsels' opinions with his legal papers indicates the varied nature of his practice. In 1713 he investigated the right of a landlord to distrain sheep grazing on common land for arrears of rent, and in 1744 he sought counsel's advice in a complicated dispute about the legal title to a ship. The other\* opinions relate to the validity and interpretation of wills, a dispute about a mortgage by Abraham Darby of a share in his ironworks, a sale by the assignees of a bankrupt's estate, marriage settlements, intestacies and leases. His appointment as steward of

the manors of Wrington and Bathwick by the Earl of Bath no doubt increased his standing in the city, as well as his income. In 1735 he acted for a number of Bristol merchants who challenged the Corporation's rights to collect port dues; the litigation was lengthy involving detailed investigation into the Corporation's prescriptive rights. The case generated much local interest and his association with it would have further enhanced his reputation, but it was his relationship with the impoverished Sir John Smyth of Ashton Court which secured fame and fortune for him. In 1730 Smith had married Sir John's sister and by 1737 was effectively managing his brother-in-law's financial affairs, lending him substantial sums of money in the process. Sir John died in 1741 and his estate passed to his three sisters; Smith acquired a one third share by virtue of his wife's inheritance and bought out the shares of his sisters-in-law; by the time his loans had been repaid to him from the estate, he had become the owner not only of the Ashton Court mansion with its deer park some two miles from the centre of the city, but also substantial properties in south Gloucestershire and north Somerset which included valuable collieries adjacent to Bristol's southern boundary, arguably the most significant and valuable property holding in the vicinity of the city.

George Webb and Robert Codrington both lived at Rownham, Long Ashton and were landowners by inheritance<sup>9</sup>. Their practices mostly comprised the legal work in connection with their own properties and the affairs of their families. Webb's precedent book includes specimen conveyances, leases, a licence to dig for coal and notes on rules for copyholders as well as court forms relating to actions for debt and trespass on the case. Neither was exempt from critical letters: Richard Bamffylde wrote to Codrington:

Pottimore 12th April 1758

Sir

I little expected after an indulgence of upwards of three years at your own particular request to Lady Bamffylde for the payment of the remainder of those goods which you bought at the Survey at Wraxall to have recd such an answer to my message by Edward Powell as to plead a sett off to my demand. As I find that all gentle methods are ineffectual I shall from henceforward have recourse to other means more compulsory,

I am

Yr Humble Servt

Richd Bamffylde

I expect you forthwith to deliver up my marriage settlement to Mr. Geo. Tyndale on Stoney Hill.

Webb apparently acted in a rather heavy handed manner towards a licensee and the following letter resulted:

Whitehall 12 Oct 1747

My man at Bedminster informs me that some Web endeavours to hinder the sale of his liquor. I have wrote him that no Web can disparage his house unless it be cobwebs and those his maid may brush down.

I am

Your friend

C. Stephens

At the beginning of the eighteenth century conveyancing formed a very small part of attorneys' and solicitors' business. None of the cases for counsel's opinion amongst Jarrit Smith's papers relate to this sphere of professional activity and Robert Hale's accounts covering the years from 1749 to 1780 contain very few references to costs resulting from this type of work.<sup>10</sup> Sales of property were not regular occurrences; land regularly was entailed and passed by inheritance and most people rented the house in which they lived. Although attorneys and solicitors prepared simple documents like money bonds, deeds to transfer the ownership of land were principally prepared by counsel. The situation changed during the second half of the eighteenth century and attorneys and solicitors became more involved in conveyancing. As property transactions became more common it was natural that practitioners who were locally based and to some extent regulated by statute should take this work on; they were 'no longer ministerial persons of an inferior nature but men reasonably acquainted with the general body of law and competent to prepare at least such conveyances as were in common use.'<sup>11</sup> However they did not have a monopoly and one of the principal challenges came from conveyancers some of whom were members of an inn of court. James Long was a member of Lincoln's Inn who had not been called to the bar and in a pamphlet published in 1806 he expressed the view that conveyancing was carried out by 'richly connected blockheads' and that if attorneys and solicitors ceased to undertake this type of work and left it solely in the hands of conveyancers,

... private individuals would have their conveyancing business dispatched with ten times the security and in many cases at one half of the expense which attends the transactions of such matters according to the practice now universally adopted.

Long is critical of the attorneys' technical skills:

I believe that it is scarcely possible to meet with any individual either in high or middle life, who has it not in his power at this very instant,

to produce himself or some friend as an example of having lately sustained some loss, or of being involved in some suit, expensive perplexity, on account of some conveyancing flaw, inaccuracy, or omission of one kind or another.<sup>12</sup>

The author tried to set up an office in Bristol from which he could carry out conveyancing more cheaply and efficiently but *Felix Farley's Bristol Journal* declined to take his advertisements. Some conveyancers were greatly respected; of Joseph Davis (1789-1872), a Quaker conveyancer, it was said 'He had a very accurate knowledge of the law of Real Property, and there were few titles in which he could not find a flaw. His wills and settlements were masterpieces of legal lore and draughtsmanship.'<sup>13</sup> In 1785 an annual duty of £5 (in London) and £3 (elsewhere) was imposed on attorneys and solicitors and this led them to feel that they were at a disadvantage compared with the others who undertook conveyancing. Two years later several attorneys and solicitors resident in Bristol petitioned Parliament pointing out that they had to be articulated, were subject to the control of the judges and that their costs were controlled; they complained that the annual tax was unjust and that they were subject to unfair competition from illiterate and unqualified persons from whom the community needed to be protected. They maintained that their calling should be 'confined to persons of liberal education, neither deficient in Integrity nor Professional Knowledge'. In what must be one of the few instances of lawyers *asking* to be taxed, they concluded by opining that the mischief could only be cured by the imposition of a 'large duty on Articles of Clerkship'. In 1792, in answer to their prayer, a stamp duty of £100 (in London) and £50 (elsewhere) on articles of clerkship was introduced. Twelve years later the annual practising fee was doubled but at the same time conveyancers also became liable to pay it. As a *quid pro quo* for this tax a penalty was imposed upon persons who prepared deeds for reward who had not taken out an annual certificate and paid the prescribed fee and the profession thus effectively acquired a monopoly. From 1828 the inns of court made it a condition of admission as a student not to act as a conveyancer until they were qualified to be called to the bar.

In Bristol attorneys practised their craft in a number of courts. Judges came to the city after the Somerset assizes to deal with serious criminal cases and civil suits. There were, in addition a number of local courts. The Court of Gaol Delivery met twice a year and was held before the mayor, the recorder and one or more other aldermen; the recorder was effectively the judge and the court had jurisdiction to deal with all criminal matters. Lesser crimes were dealt with at Quarter Sessions before aldermen who were advised by the town clerk. The principal court for civil disputes was the

Tolzey Court which dealt with any matter where the cause of action arose in Bristol without limit of amount. The Court of Pie Poudre was, in effect, a branch of the Tolzey Court and disposed promptly of civil disputes during the fortnight of the annual fair. For disputes relating to small sums a Court of Conscience had been established in 1689 for the recovery of debts under 40/- and a Court of Requests was set up by statute in 1816 for claims below £15; advocates were not allowed in the Court of Requests except in cases of bodily infirmities or mental derangement. The last two courts ceased to exist in 1846 when the County Court was created but the Tolzey Court continued until it was abolished by the Courts Act 1971. In order to act in the local courts attorneys had to be 'licensed' by the Common Council until its abolition in 1834; during the period from 1700 to 1834 some ninety attorneys were admitted to practise in this manner.

Attorneys were involved in criminal cases although records illustrating their activities are sparse. In 1809 an attorney called Henry Smith was involved in an argument in a queue leading to the Theatre Royal where the celebrated Madame Catalani was giving a recital. Richard Priest, a tailor, called Smith a liar and the latter, who was an officer in the Volunteers, would have been dismissed his regiment had he not challenged Priest to a duel. The duel ended fatally for the tailor and Smith, after fleeing to Portugal, surrendered to the authorities in the following year. He was represented, ably it seems, by Daniel Burges who briefed counsel on his behalf and he was acquitted on a technicality.<sup>14</sup> Attorneys did not only act for the accused; in 1810 Charles Houlden Walker took up the case of Mary Milford who claimed that she had been raped by Sir Henry Lippincott, described by Latimer as 'a somewhat debauched representative of the old Bristol family of Cann', and initiated a prosecution on her behalf. The Recorder, Sir Vicary Gibbs summed up strongly in Lippincott's favour and he was acquitted. Walker evidently felt so strongly about what he considered to be an injustice that he published a pamphlet setting out the whole of the evidence against the accused.

Another of Walker's pamphlets resulted from the trial of one of the men accused following the Bristol Riots. William Clarke was tried, convicted and executed for his part in the destruction of the gaol. Not only did Walker represent him, apparently without payment, for Clarke had no means to pay for his defence, but following conviction he got up a petition for mercy addressed to the Crown, and after Clarke's execution published *The Petition of William Clarke convicted at the late Special Commission at Bristol of Demolishing the Gaol and Bridewell Prisons of that City and Executed on Friday the 27th January 1832; Copies of Fifteen Exculpatory Affidavits with Prefatory Observations Published at his Dying Request and a Report of his Trials*. 'The Police establishment in Bristol is exceedingly defective'

reported the Municipal Corporations Commissioners in 1835 and after the riot private citizens had to play a part in the detection and arrest of the rioters. William Harmer, an attorney, travelled to Liverpool with a constable to arrest Clarke and with William Crosby, another attorney, to Sutton Montis (near Sparkford in Somerset) to arrest Christopher Davis. As Walker commented in his pamphlet:

For [his] signal service to the commonweal, at least as far as the lives of Clarke and Davis are concerned, the active and indefatigable exertions of Mr. Harmer (*sic*), a solicitor of Bristol deserve to be placed on record. Mr. Harmer, regardless of his own professional pursuits, and no doubt without hope of reward beyond that which may lawfully attend his enterprize, travelled from Bristol to Liverpool, having for his companion one Perry, a turnkey, to seize and secure the person of the unfortunate Clarke, which he accomplished, and then renewed his labours in search of Davis - him too he made captive. Mr. Harmer has shown himself in these causes so ardent a lover of justice, that it must be, no doubt, a matter of great gratification to him to know and feel that he has not laboured in vain in his novel avocation - that the objects of his vigilance have both been convicted and consigned to their graves!

Another rioter, James Williams, was charged with stealing some goods from the New Gaol and at his trial James Wason, an attorney, gave evidence that, in company with the local constable, he went to Williams' mother's house at Keynsham 'to search for something'; they found items which were identified as having been taken from the gaol but Williams was acquitted. Wason subsequently applied to the court for his expenses but his counsel was told that 'the course he was pursuing was quite irregular [and that] the application should be made in the ordinary manner through the proper channel, when it would doubtless receive the degree of attention which it merited'.

It is not an easy task to judge the quality of the work which attorneys carried out; not many could deserve as effusive a memorial inscription as that to John Morse (who died in 1728) at Stone near Berkeley:

This Monument is erected in Memory of John Morse, an eminent Solicitor in Chancery. His numerous Clients (the Clergy in particular resorted to him as their only advocate) and his Success for the space of Forty Years in recovering and defending their just Rights gave ample proof of his incomparable Skill, Assiduity, Integrity. Men of Probity in general courted his Friendship, nor did any repent of their Confidence. He did uncommon Honour to his Profession in



convincing those who employed him that a Gent. and a Xn. (for he was truly both) might practice the Law even to the advantage of his Character.

It is not uncommon to find complaints of delay. Jarrit Smith was not always as prompt as he should have been in remitting loan interest to his clients, so that one of them felt moved to write to him:

I am sorry you should give me soe much trouble in writing to you and waiting soe often upon you, as I have lately done & all to noe purpose; to speak freely you deal a little unkindly by me, I never expected such kind of treatment from Mr. Smith. There is interest due for two years and a half on ye 6th of Aug instant wh is thirty one pounds and five shillings. Be pleased to send it now by bearer my neighbour or otherwise be so kind to contrive some other speedy way for payment of it, in soe doing youll oblige

your humble servant

J. Lovell

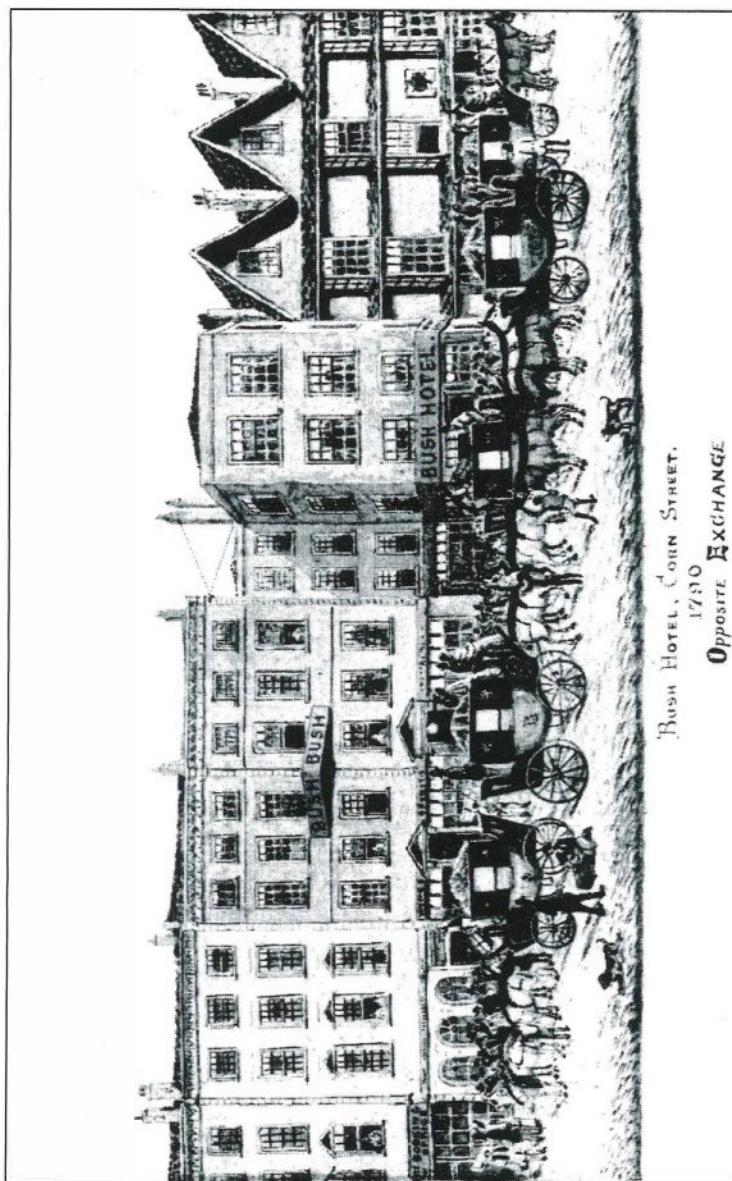
Portishead Aug 22nd 1735.

Mr. Baylies was obliged to move to Berlin as his creditors were becoming an embarrassment to him and he left his affairs in the hands of Samuel Worrall; on 17 April 1775 he wrote to Worrall's partner:

Yet nevertheless tho' I have repeatedly wrote to him to know what has been done in the trust and what still remains due to the respective claimants on the premises, tho' I have waited three years for an answer, he has not been so kind as to give me one.<sup>15</sup>

Yet the same Worrall appears to have rendered sterling service in the case of one Wheeler who died on the island of Santa Croix in 1759 leaving a part share in the *Planter* and numerous debts. The other joint owners of the vessel declared themselves bankrupt and Wheeler's colonial executors sold the ship in Copenhagen but neither they nor the Danish shipbrokers would account for the moneys due to Wheeler's estate or the assignees of the other owners. Worrall recommended that a relative of Wheeler should go to Santa Croix, advised him what steps to take, arranged for him to have the necessary authorities and introductions to 'the first people of the Island of Sta Croix' and even put up some funds to defray expenses. The mission was successful and some £2,500 was recovered; Worrall was perhaps understandably upset when the bankruptcy assignees raised difficulties about his entitlement to interest on the money which he had been holding<sup>16</sup>.

The profession is often criticised for the stilted nature of the language which is used in legal documents, and in an age when the lawyer's charges were fixed by the number of words employed it might be expected that



*Bush Hotel, Corn Street (Author's collection)*

deeds were lengthy and verbose. Examples of writing by attorneys and solicitors on non-legal topics are not abundant but on suitable occasions they were able to express themselves with elegance and an economy of words. Harry Elderton was facing financial ruin in 1803 and the letter which he wrote to his brother-in-law asking him to look after his mother and sisters is an eloquent plea for assistance; 'Dear Lansdown' he wrote:

... The knowledge of this ruin is, as yet, confined to my own family including my Mother and Sisters and for their sakes it behoves me not to betray my circumstances to any one. I owe [them] about £2,000 and you will allow I must be wholly destitute of natural feeling were I to injure them or permit them to be overwhelmed by my pecuniary derangement. ... Thus friendless and unprotected as they will be in a world too prone to condemn rather than commiserate misfortune, it becomes my duty without restraint on ceremony to call upon you to aid me all you can in my endeavours to render them every justice now remaining in my power. I beg you not to bestow a moment's thought upon my fallen condition, for afflicting as it certainly is when contrasted with what I have been and with what I expected to become, my Mother and Sisters are yet more deplorably circumstanced, and you must enable me to relieve them by prompt and effectual conformity on your part to the following arrangement.<sup>17</sup>

In what a twentieth century solicitor might regard it as an unlawful attempt to prefer a creditor Elderton then asked his brother-in-law to divert to his mother and sister funds which were due to him.

Nathan Windey's description of the triumphant arrival of Admiral Rodney in 1782 following his defeat of the French off Jamaica is a vivid account of the occasion:

... [when] his Lordship [came] to dine by invitation with the Society of Merchants at their Hall in King Street ... several hundred of the Citizens met and form'd a magnificent cavalcade consisting of equestrians and carriages forming a long line interspers'd with bands of music emblazon'd in laurels in boats plac'd upon wheeled carriages, also three persons in the character and costumes of Mars, Britannia and Minerva seated upon thrones ... with their attendants at their feet. In the cavalcade was a vessel about 40 tons burthen also upon a wheel'd carriage ... having swivels on board which were fir'd occasionally ... The cavalcade pass's through the principal streets of the city amidst the acclamations of the spectators, the music playing, bells ringing, flags flying and guns firing, graced by the smiles and the waving handkerchiefs of the fair Ladies of Bristol.<sup>18</sup>

Jeremiah Osborne was clerk to the Society of Merchant Venturers and when he died in 1842 Daniel Vickery commented:

This gentleman notwithstanding his great professional engagements holding numerous employments in public companies in this his native city did not forget to cultivate the study of elegant literature during his connexion with the Society of Merchant Venturers. The welcome duty of drawing up addresses from that ancient and loyal body to four of our sovereigns devolved upon him. The trumpet tone in which he poured out his patriotic sentiments will long be unforgotten. 'Who is it?' said George 4th ... upon one occasion 'who writes the addresses from the Bristol Merchants, they are the best I ever receive'<sup>19</sup>

Some idea of attorneys' literary interests can be gleaned from an examination of the records of the Bristol Library Society. A perusal of the first volume which covers the period from August 1773 to May 1774 shews that Thomas Blagden was a regular borrower of books dealing with travel and history although on 1 June 1773 he took out *Illustrious French Lovers Volume 1*. Thomas Hetling's interests were more centred on music and poetry and other members of the profession were regular readers mostly of works of travel and history. Neast Greville Prideaux had literary aspirations; he submitted his play *The Enchanted Ruin* to Drury Lane Theatre but later recorded in his journal that it had been rejected.

The eighteenth century saw the formation of the earliest provincial law societies the first of which was in Bristol. On 19 October 1770 eighteen attorneys and solicitors met at the Bush Tavern, Corn Street and resolved to form themselves into a society to be known as the Law Society. It met monthly and its rules laid down the procedure at meetings with fines for non-attendance and wagering; the rules also made provision 'as to the manner of stating and debating law questions'. The society invested in legal textbooks which were kept, together with their records, in a locked chest. In 1819 the Law Library Society was founded and at the outset it ordered books to the value of some £400 and had some sixty subscribers.

Although the local law society provided social and educational facilities for its members, it played no part in the maintenance of professional standards. This was despite the fact that there are examples of contemporary writers accusing the profession of dishonesty and sharp practice. When the Liverpool Law Library Society was promoted in 1827 the *Liverpool Mercury* commented:

Let us hope that this is one step made towards weeding the profession in this town and neighbourhood of the low and unprincipled crew who have too long been suffered to disgrace it.

There is some evidence that Bristol practitioners behaved more correctly than those in some other towns. At end of his professional life, Charles Houlden Walker moved across the Bristol Channel to Newport and practised there for some four years. It was not long before he crossed swords with two local attorneys and became involved in defamation proceedings at the Monmouthshire Summer Assizes in 1832; in the pamphlet which he wrote about the case he commented:

There is not ... a spot where GENTLEMEN of the profession ... *more liberally and more honorably* conduct themselves in their practice towards each other than in Bristol ...; no *over-reachings*, no *grasping* at the business of his neighbour, or which does not belong to him, is to be heard of ... Nor is there a professional man in Bristol of *character*, who would attempt by any surreptitious means to secure to himself the legitimate business of another;<sup>20</sup>

Attorneys may not always have been the most popular of men; on 12 December 1810 John Hillhouse Wilcox,

late Mayor of this City, acquainted the Common Council now assembled that on Monday last he was insulted in a most gross manner by John Barnes Gregory a Captain in the Royal North Gloucestershire Regiment of Militia at the Theatre in this city who called him the said Mr. Wilcox a Damn'd Blackguard and a Dirty Scoundrel and repeated the said words three times.

In 1771 the Corporation removed the name of John McArthur from the list of those entitled to practise in the Bristol courts for malpractice although the nature of his offence is not recorded.

Until a Disciplinary Committee was set up by the Lord Chancellor in 1888 the discipline of the attorneys' and solicitors' branch of the legal profession was in the hands of the judges who alone had the power to admit them to the roll and to strike their names from it. However, since there was no effective professional body to monitor discipline, it was left to individuals to initiate proceedings at their own expense. Consequently very few were struck off for misconduct; by the end of the century the number seldom exceeded half a dozen a year. Earlier in his career Charles Houlden Walker appears to have taken upon himself the task of ridding the profession of those members he perceived to be miscreants. In 1820 he unsuccessfully prosecuted Alfred Coombe, a Taunton solicitor for perjury and in the pamphlet which he published about the case he wrote:

... whilst I esteem and regard the honorable and conscientious members of my profession who practise upon principle, I shall always

be proud to be ranked foremost amongst those who feel it not only a duty, but a pleasure, to bring to justice *the nefarious practitioner*, who lives either by plundering those whose confidence he surreptitiously obtains, or by making their complaints mere vehicles to get at the purses of their neighbours.<sup>21</sup>

In 1808 he successfully prosecuted Matthew Concanen for fraud and in 1813 he secured the conviction of William James for conspiracy to defraud; both of these Bristol attorneys were subsequently struck off the roll at his instigation and additionally James was sentenced to twelve months' imprisonment and ordered to be placed in the pillory for one hour on a market day. So impressed were his professional colleagues that in 1818 some forty Bristol attorneys signed a memorial acknowledging that he was some one hundred and twenty pounds out of pocket following these actions and presented him with a piece of plate. As they noted:

... we are of opinion that the city at large and the profession in particular are and will be much benefited by Mr. Walker's exertions, therefore we feel much pleasure in recommending a subscription to our brethren in the profession, in order that Mr. Walker may not be monies out of pocket.

Standards were not as strict as they later became. Attorneys who either became bankrupt or entered into an arrangement with their creditors do not appear to have been removed from the roll. In 1816 a commission in bankruptcy was issued against the brothers James and Thomas Curtis Leman, yet their names continued to appear in the Law Lists indicating that they had paid the annual fee. Thomas Curtis Leman became president of the Colston Society in 1819 and both brothers were still practising in 1831 when their premises in Queen Square were destroyed by rioters.

Imprisonment does not appear to have been a bar to practice. In 1803 Charles Houlden Walker was himself sentenced to six months' imprisonment and a £100 fine for an assault (he maintained that it was the result of a miscarriage of justice and published a pamphlet about it) and in 1840 William Prowting Roberts, a Chartist attorney from Bath, was convicted at Newport Assizes of conspiracy and unlawful assembly and sentenced to two years' imprisonment.<sup>22</sup> Neither was struck off.

Eighteenth century attorneys would at times have had difficulties in identifying the difference between their private practice and any public office which they may have held. Many of them became stewards of manorial courts and were remunerated for carrying out their duties. In 1730 Henry Woolnough charged a fee of £3:3s:0d for holding the Court Leet at Sherston Magna but the office also provided him with what a twentieth



century solicitor would regard as routine legal work; a couple of years earlier he was instructed to arrange for the Sheriff to execute a writ of possession at Sherston and needed to travel to Sherston, Chippenham and Steeple Ashton to do so: he charged a fee of £4:0s:0d since the exercise occupied four days.<sup>23</sup> Andrew Innys and his son Martin were stewards of the manors of Keynsham, East Brent and Pucklechurch for which they received an annual salary of fifteen guineas.<sup>24</sup> Jeremiah Osborne, John Osborne and Richard Brickdale Ward were successively stewards of the Manor of Henbury between 1797 and 1840 and held the Henbury Hundred Court every three weeks; the court dealt with the collection of small debts (issuing some thirty writs a year) and the usual manorial business relating to nuisances and the appointment of officers, even though the virtual disappearance of copyhold tenure meant that the court's function as a register of landholding had ceased. John Daniel was steward the Portbury Manor and exercised a very similar jurisdiction. His position also led to other business; inside the court book there is a bill from Messrs Daniel for legal work involved in the preparation of rules for the Pill Pilots Club. The employment of attorneys as manorial stewards continued until the 1840s.

Another public office which could be combined with a private practice was that of Distributor of Stamps. Stamp Duty was a tax imposed on a number of documents of all descriptions; by 1826 the documents which either had to bear an impressed stamp or be printed on paper already bearing a stamp numbered over fifty. Penalties were imposed for breach of the legislation; thus, for example:

If any apprentice, journeyman or servant of any printer, shall print any almanack on unstamped paper, without his knowledge, it shall be lawful for any person to seize such apprentice, journeyman or servant, and carry him before any justice, who may commit him to the house of correction, for any time not exceeding three calendar months.

The Distributor of Stamps had a monopoly to sell stamped paper and this lucrative office was held, from 1722, by Samuel Worrall, whose son, also named Samuel, came to Bristol to work for the attorney Thomas Fane. When the elder Worrall died in 1746 his son was appointed in his stead and stamps were sold at Mr. Fane's house.

The offices of Town Clerk, Recorder and Steward of the Sheriff's Court were invariably held by barristers and thus the principal offices of the Corporation were not available to attorneys. However, it followed that some town clerks experienced difficulties in combining a public office in Bristol with practice at the bar in London; Ebenezer Ludlow held the office from 1819 and appears to have neglected his duties in Bristol. On 3 January 1833 the Common Council received a memorial signed by several attorneys of the

Tolzey Court stating that months frequently elapsed without a court and that only two courts had been held since 16 July; although the Recorder, Sir Charles Wetherell was Steward of the court, he had appointed Ludlow as his deputy. Ludlow's most vociferous critic was Charles Houlden Walker who in a number of pamphlets, open letters and letters to the press regularly referred to him as Mr. Out-of-Town Clerk. The first executive action of the reformed council in 1836 was to confirm Ludlow as town clerk but to their consternation he would neither accept nor decline the post because he intended to claim compensation for loss of office and wished to preserve his negotiating position. The difficulty was eventually resolved and the Council appointed Daniel Burges who was an attorney; the post was thereafter invariably filled by a member of that profession.

Beavan's *Bristol Lists*, records that the first holder of the post of City Solicitor was John Lewis and that he resigned in 1802. At the Common Council meeting on 10 June 1807 (*sic*) Alderman Henry Bengough moved that a piece of plate be presented to Lewis in recognition of his sixty years' service. It appears therefore that the office was created in the 1740s and it was abolished in 1849. The post seems to have been a step in the progression towards a town clerkship as the last three occupants of the office, William Diaper Brice and Daniel Burges senior and junior eventually assumed that office. The duties performed would have been similar to the work done by a solicitor in private practice except that the work was performed for one client only, namely the Corporation. Run of the mill conveyancing and litigation probably comprised the bulk of the work but some specialised tasks would also have been performed. George Webb Hall was City Solicitor from 1801 until 1812 and

He was principally instrumental ... in passing all the acts for the improvement of the port and harbour and had passed several for very large intensive inclosures; in fact parliamentary business was that to which he had particularly devoted his time and few were better qualified to surmount the numerous obstacles which are frequently opposed to the progress of such bills.<sup>25</sup>

The City Solicitor submitted bills for his professional charges from time to time at very infrequent intervals. At the Common Council meeting on 12 June 1793 a committee reported that they had

examined several bills for law charges and expenses delivered by Mr. Lewis ... from the year 1774 to 8 March last amounting to £3539:0s:0d and find that the particular business had been done ... and as far as they could form a judgement the various charges they believe to be just and recommend ... to give three City Bonds to Mr.

Lewis for £1000:0s:0d each from 24 June instant with interest at three per cent and an immediate payment of £593:0s:0d ... bonds to be on a twelve calendar months notice.

It seems that prior to the establishment of the office of City Solicitor the Corporation instructed attorneys in private practice to carry out specific tasks. Thus in 1720 they asked Henry Fane to advise them in a dispute with the Corporation of the Poor about the surrender of a lease and in 1729 they approved the payment of £123:14s:1d to Joseph Chappell and Charles Churchman for prosecuting Kingswood colliers following their riot in 1727.

Another Corporation post filled by attorneys was that of Mayor's Clerk. On 12 December 1787 the Mayor proposed to the Common Council that:

a Clerk to Mr. Mayor be appointed to attend on Mr. Mayor at such times and places as the Mayor for the time being shall think proper after the usual hours of attending at the Council House at the salary of £50.

The post was abolished in 1836 on the passing of the Municipal Corporations Act and its place was taken by that of the Clerk to the Justices of the Peace.

The offices of Chamberlain and Vice Chamberlain were sometimes filled by attorneys, not always with complete success. Wintour Harris, who was appointed in 1811, died in 1815 and on his death a deficiency of £5,000 was discovered of which £2,000 was never recovered.

The various courts in the city provided posts for attorneys who found employment as Clerk of the Peace, Registrar (or Protonotary) of the Tolzey Court, Clerk of Arraignment, Registrar of the Court of Conscience and Clerk and Registrar of the County Court (resulting from the County Courts Act 1846). An example of the patronage which was in the gift of the Corporation and the light in which solicitors viewed public offices can be seen following the creation of the Court of Requests, a court for the collection of small debts, which was established by act of Parliament in 1816. William Diaper Brice, who at that time was the City Solicitor, wrote to fellow attorney Alderman Henry Bengough on 24 May 1816 commenting on the progress of the bill and adding:

... I took the liberty of writing to you yesterday as to the office of Clerk. I am well aware my dear Sir of your kind intentions in my favour but I thought it not improper as I am about to address a letter to the Gentlemen of the Corporation, altho' they have I may almost say generally been so kind as to give me great encouragement ...<sup>26</sup>

His rival for the post was George Webb Hall who was Deputy Registrar of the Court of Conscience (whose jurisdiction would be diminished by the

new court) and who had been Brice's predecessor as City Solicitor. Brice wrote again to Bengough on 29 June:

I understand Mr. Hall has communicated ... a statement of his claims to the situation of Clerk [and] I think it right to answer the general points urged by [him] viz his claim in consequence of having been formerly Solicitor and the loss which he may sustain as Deputy Registrar of the Court of Conscience. As to the first point, Mr. Hall having sold me his interest in the situation for £1,000 it must be obvious that the present Solicitor stand precisely in his situation and that any claims on that account are not vested in him. With reference to any loss which Mr. Hall may sustain I ... will cheerfully pay to him out of the profits of the place ... the utmost loss ... that he has incurred ...<sup>27</sup>

Brice was appointed and not surprisingly Charles Houlden Walker did not let the event pass without comment:

With respect to Mr. Brice, the Clerk of the Commissioners [of the Court], unpleasant reports have ... fastened on him: it has been said that his fees, *also extracted from the distressed*, are so profuse, that a sinecure has been raised, in order to secure him his situation, to one third of the amount, for the benefit of Mr. George Webb Hall.

The appointment of Coroner was also within the gift of the Corporation and when a vacancy arose in 1722 petitions were received from a brewer, a linen draper, two mariners and an attorney; the latter was chosen. Abel Dagge who served from 1772 until his death in 1778 was a surgeon but all subsequent holders of the post were attorneys or solicitors.

There were many other public appointments available to attorneys and solicitors. In 1760 Robert Hale acted for the Dean and Chapter with reference to the harm they feared might be caused to St. Nicholas Church by the rebuilding of Bristol Bridge; the Bridge Trustees were represented by Thomas Symons. On 4 June 1820 the Common Council noted a letter from Osborne and Ward as clerks to the Turnpike Trustees and on 11 January 1834 the same firm wrote to the Corporation on behalf of the Great Western Railway Company. The Poor Law administration not only provided many such appointments but was also a fruitful source of litigation business. The concept of 'settlement' for Poor Law purposes was developed during this period and many parishes sought to shift the responsibility to relieve a recently arrived pauper on to another parish; the resulting disagreement frequently resulted in an appeal to Quarter Sessions. 'Fielding once said that ... in cases of settlement of paupers an appeal was almost certain if an attorney lived in the parish, but if a Justice of the Peace lived there, it was almost certain to succeed'.<sup>28</sup>

The enterprise of eighteenth and nineteenth attorneys and solicitors was not limited to the zeal with which they secured and profited from public offices; they were not averse to indulging in commercial activities of various sorts and in view of Bristol's importance as a port it is not surprising that some of them had maritime connections. Not only did they advise privateer owners, some attorneys themselves were part owners of the vessels. Although his wealth was principally founded on property dealings, nevertheless Jarrit Smith was involved in this business; he had a share in the *Tyger* which returned to Bristol in October 1756 having captured three French vessels. Her next voyage was advertised in the local press:

On a Four Months CRUISE.  
The famous TYGER  
PRIVATEER

Burthen about Five Hundred and Seventy Tons; Carries 26 Nine Pounders, 10 Four Pounders and 280 Men. John Neilson, Commander, Isaac Sharp, Second Captain. All Officers, Seamen, Landsmen and others, that are willing to enter on board the said privateer; let them repair to the Sign of the Landogar Trow in King Street, where they will meet with the proper Encouragement.<sup>29</sup>

Smith also had a share in the privateers *Blandford*, *Falcon*, and *Fly*. Thomas Fane owned a share in the privateer sloop *Pearl* and Edward Forward in the *Chance*. One Bristol attorney hoped to profit from the gentler waters of the Avon and the Severn; Theodore Lawrance, one of the city's coroners, owned two of the earliest commercially viable steam packets ever built. In 1813 he ordered the *Charlotte* to be built by Hillhouse and Company, the Bristol shipbuilders and for a couple of years she carried passengers between Bristol and Bath. Shortly afterwards he ordered the *Hope* which carried out similar voyages between Bristol and Gloucester. Unfortunately neither service was profitable and both were discontinued and the vessels sold. The *Hope* passed through a number of hands, was eventually sold to Spanish owners and plied the Guadalquivir between Sanlucar and Seville.

Reference to attorneys' money lending activities has already been made and this naturally led to an involvement in banking. In 1764 Robert Hale and his partner George Tyndale joined with the barrister Town Clerk Samuel Worrall to form the Exchange Bank. In order to finance his investment Hale had to borrow £4,000 from his uncle who was careful to ensure that it was secured on a mortgage of property; interest was payable at 4.25 % and was repaid within four years.<sup>30</sup> Hale withdrew from the bank two years before his death in 1781 but it took many years to complete the

accounts owing to some imprudent loans to West Indian planters. The business was continued by Worrall but the bank failed in 1819 and he became bankrupt and had to resign his position as Town Clerk. Henry Bengough was a partner in a more successful banking enterprise; the Bristol City Bank is recorded as having made a loan to the Corporation in 1794 and in 1837 the bank's goodwill was sold to National Provincial Bank. Bengough, who was apprenticed to William Cadell, married the sister of Thomas Cadell, a bookseller and

died worth £400,000. The foundation of this fortune was laid in the purchase of copyrights ... He bought the copyrights of 'Blackstone's Commentary' and 'Clarissa Harlowe' and netted, it is said, £30,000 by the first, and £10,000 by the latter bargain.<sup>31</sup>

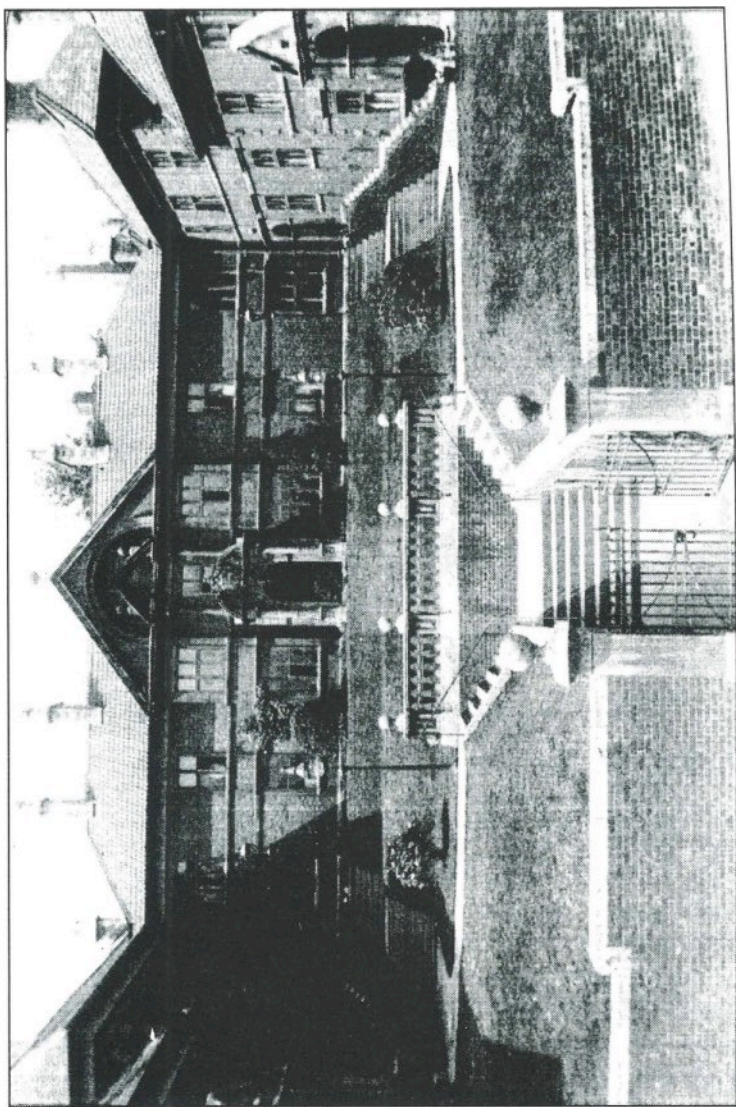
Insurance was another commercial activity where attorneys were involved. The Bristol Crown Fire Office was founded in the last quarter of the eighteenth century and although details of its early years have been lost, a prospectus of the company dated September 1836 lists a number of attorneys amongst its proprietors.

The boom in speculative building in Bristol between 1783 and 1793 and the part played by Francis Ward, Harry Elderton, Thomas Morgan, Matthews Mills Coates and Isaac Cooke, all of them attorneys, has been described by J.R. Ward.<sup>32</sup> Their connection with land transactions and access to clients' funds to be advanced on mortgage enabled them to take building leases from landowners and to advance funds and grant sub-leases to speculative builders. Initially the business was profitable but fears of war with revolutionary France brought about a collapse of the market resulting in many bankruptcies. Most of the attorneys survived but Elderton eventually failed in 1805.

Bristol attorneys played their parts on the stage of politics. Jarrit Smith, a Tory, was sixty-eight years of age when in 1756, one of the city's MPs died. The [Tory] Steadfast Society persuaded him to stand for election and after a typically boisterous eighteenth century campaign, he was successful. He conscientiously promoted the city's interests in Parliament both during and after the Seven Years' War, was rewarded with a baronetcy (together with the right to bear the Smyth arms) in 1763 and finally retired in 1768.

Smith lived in College Green and nearby, on St. Augustine's Back, lived Thomas Fane who was also an attorney and Clerk to the Merchant Venturers. Smith's clients were mostly wealthy property owners whilst Fane's, despite the fact that he had married Elizabeth Swymmer the daughter of a wealthy merchant, were mostly of the lower sort. The clerks of both attorneys used to frequent Prince Frederick's Tavern in Lewins





*Bengough's Almshouse, Horfield Road (Bristol Municipal Charities)*

Mead and were in the habit of chaffing each other. Fane was distantly related to the Earl of Westmoreland and on one occasion one of Fane's clerks was heard to say 'Your master! A smith indeed. Why, let only twelve persons die and our master will be Earl of Westmoreland.' Such was human frailty that in 1762 Fane did indeed become heir to the title and shortly afterwards became MP for Lyme Regis.

Elections were robustly fought and the candidates' supporters could expect to be the targets of vituperation. Following Edmund Burke's election in 1774 the satirist James Thistlethwaite, who Latimer describes as being 'utterly destitute of principle', published a poem entitled *The Consultation* which attacked prominent Bristol Tories including some half a dozen attorneys. Richard Smith's copy in Bristol Reference Library<sup>33</sup> contains his key to many of the persons satirised in the poem together with biographical notes. The copy also contains a sketch of Jemmy Hughes who Smith describes as 'a great pot-bellied man - lame - used crutches so that he was called the devil upon two sticks.'

Low hireling bullies, led by *H.yth...e* came  
And *Jemmy H.gh.s* (good lack) brought up the lame.

Of Edward Forward Thistlethwaite wrote:

With wonder seis'd, great PLUTO stood *aghast*,  
To see himself in wickedness surpass'd,  
Amaz'd, he asks if ought his name could tell.  
And *F...d, F...d*, echo'd loud thro' Hell.

One feature of eighteenth century Bristol political life was that on occasions Whigs and Tories agreed to divide parliamentary representation between the two parties. In 1753 seven members of the [Whig] Union Club and seven members of the [Tory] White Lion Club agreed to a coalition 'to promote a general harmony between the citizens'.<sup>34</sup> Anthony Swymmer, an attorney, was one of the Union Club's signatories and Jarrit Smith one of the White Lion Club's. Attorneys continued to be involved with the White Lion (later the Steadfast) Club; Jeremiah Osborne and his partner Richard Brickdale Ward were secretaries in the early years of the nineteenth century. At that time the club had in its gift the patronage of posts within the Customs administration of the port. In 1818 Matthew Windey, the son of Nathan Windey, an attorney, petitioned the club for the post of principal clerk to the Comptrolling Surveyor of Warehouses pleading that he was out of employ and had no means of providing for his wife and six children, but despite the fact that his application was recommended by Isaac Cooke, another attorney, his plea fell on stony ground. In the following year there

was a strong recommendation that Jeremiah Osborne be appointed Distributor of Stamps as it was anticipated that a vacancy would arise on the expected bankruptcy of Samuel Worrall and in 1823 Osborne spent some days in London in discussions with the Treasury concerning the new regulations which were to give the Board of Customs power to decide for themselves who they should appoint to the posts in their administration. Arthur Palmer junior in a similar fashion acted as secretary to the [Whig] Union Club.

Although attorneys and solicitors filled many remunerated municipal posts, very few held public office before the passing of the Municipal Corporation Act of 1835; only two have been identified, both of them Whigs. John Hillhouse Wilcox was a member of the Common Council from 1805 until 1822 when he resigned to become Registrar of the Court of Conscience; he was sheriff in 1805/6, mayor in 1809/10 and 1811/12 and an alderman from 1816. The business activities and power of patronage of Henry Bengough have already been noticed; he was a member of the Common Council and an alderman from 1789 until 1818, sheriff in 1789/90 and mayor in 1792/93. Although his father was a clerk in holy orders, Bengough was a Unitarian.

One-third of the Corporation in 1820 still consisted of Unitarians and other Dissenters, a relic from the end of the previous century when the Lewin's Mead Unitarian congregation included, with one exception, the entire aldermanic bench. 'The Mayor's Nest' was an apt name for the church itself.<sup>35</sup>

The movement for reform, both parliamentary and municipal, was supported by some Bristol attorneys and it comes as no surprise to find Charles Houlden Walker playing a prominent role. In the 1812 election he was an enthusiastic supporter of Sir Samuel Romilly's unsuccessful candidature, describing him as 'the ardent and persevering friend of religious toleration, humanity, and OF REFORM'. In addition to his criticism of the 'Out of Town Clerk' which has already been noted, Walker also attacked members of the Common Council:

It would, in my mind be quite impossible to imagine a state of thralldom, where a set of men could be created greater tyrants, and those whom they rule more absolute slaves, than that which the Charters of Bristol have given rise to in the heart of a country *boasting* of its freedom! Well it may be said, that from these Charters have emanated 'an arbitrary government ...; a self-created, self-existing evil; an immovable, uncontrollable power'. That the Citizens of Bristol may, by all lawful means, exert themselves to throw off the degrading yoke, is the wish nearest to my heart.

There were other attorneys who opposed the movement for reform; an anti-reform resolution signed on 25 November 1820 includes the signatures of John Coulson, Daniel Baynton, Richard Brickdale Ward and Lionel Oliver Bigg. There were also attorneys who opposed concessions being granted to Catholics; at a meeting held in Queen Square in April 1829 when over 20,000 people were said to be present, Jeremiah Osborne, Richard Brickdale Ward, Arthur Palmer and Wintour Harris are recorded as having supported the petition.

Elections for the reformed Council were held on Boxing Day 1835, although the electorate was a small one comprising about seventy-five electors per councillor. There had not been an attorney councillor since Wilcox resigned in 1822 but during the period from 1835 until 1851 thirteen attorneys and solicitors became members; of the thirteen, ten were Conservatives and three Liberals. As Bush comments:

'The representation of sugar refiners and brewers dwindled, but they were replaced by a stream of men engaged in commercial pursuits and by surgeons, doctors and attorneys, so much so that by 1845 attorneys alone comprised 20% of the Council'.<sup>36</sup>

Writing of the period from 1835 until 1898 Bevan observed:

The [Solicitors] branch of the legal profession has always been represented in the Council. The original 63 included three attorneys ...; in the present 84 are numbered 8 solicitors ... and there have been at various periods 20 others ... making 31 in all, of whom only 10 were Liberals, and of these three belong to the Unionist wing of that party.<sup>37</sup>

The success of the Liberals was to some extent due to the efforts of another solicitor, Mesach Brittan, of whom it was said on his death in 1858:

[he was] a warm supporter of Liberal principles and to his able and untiring but gratuitous exertions at the several contested elections of recent years may be fairly attributed a large measure of the party's success.<sup>38</sup>

In addition to their professional, business and political activities attorneys and solicitors were also involved in many other parts of the city's social life. A notable example of their charitable activities is Henry Bengough who, as has already been seen, served as councillor, alderman and mayor and became wealthy through business affairs. In 1794 he was president of the Anchor Society and in his year of office raised over £300 for charitable purposes. By his will Bengough left property at Blagdon and Nempnett

Thrubwell to establish an almshouse and he directed that one half of the residents were to be members of the established church and one half dissenters; the fact that Bengough was the son of a clerk in holy orders but was himself a member of the Lewins Mead Unitarian Church may perhaps account for this rather unusual provision. Although he died in 1818 the property was subject to leases which did not fall in until 1878 and the building in Horfield Road was not completed until 1879; it stands to this day. Bengough also bequeathed the sum of £100 for the benefit of the poor of the parish of St. Stephen's. Other attorneys who made charitable bequests were Robert Sandford who by his will dated 1755 left £100 each to the poor of St. John and St. Leonard and £1,000 to the poor of St. Mary Redcliffe and Samuel Stokes who by will dated 1767 left £100 to the poor of St. Philip and St. Jacob. The lists of presidents of the Anchor, Colston, Dolphin and Grateful Societies contain many attorneys and solicitors, the earliest being Jarrit Smith (Colston 1748), Jeremiah Osborne (Dolphin 1761), Arthur Palmer (Anchor 1809) and John Kerle Haberfield (Grateful 1840).

At the end of the eighteenth century the threat of a French invasion seemed very real and one consequence of this was the formation of the Bristol Volunteers. Following a public meeting in February 1797 it was resolved to form a 'Military Volunteer Association' and members were sought. Volunteers came forward and some thirty Bristol attorneys were amongst their number. *Matthews Directory for the Year 1793/4* contains the names of about seventy attorneys and a 'turn-out' proportion of over forty per cent would seem to demonstrate a reasonably high degree of patriotism. However attorneys were not so ready to volunteer financial assistance; a list of voluntary contributions for defence purposes made in 1798 contains the names of only twelve attorneys and one of those gave a donation 'in lieu of one year's assessed taxes'.

Examples of attorneys and solicitors giving their time for the public good exist in many other spheres of activity. When Thomas Clarkson arrived in Bristol in 1787 with the intention of campaigning for the abolition of slavery his first introduction was to a conveyancer called Henry Gandy:

My first introduction was by means of a letter to Harry Gandy, who had then become one of the religious society of the Quakers. The introduction to him was particularly useful to me, for he had been a seafaring man. In his early youth he had been of a roving disposition; and in order to see the world, had been two voyages in the Slave-trade, so that he had known the nature and practice of it. This enabled him to give me much useful information on the subject; and as he had frequently felt, as he grew up, deep affliction of mind for having been

concerned in it, he was impelled to forward my views as much as possible, under an idea that he should thus make some reparation for the indiscreet and profane occupations of his youth.<sup>39</sup>

During the course of his investigations into the trade Clarkson had occasion to seek the advice of Daniel Burges the deputy town clerk.

I communicated with the late Mr Burges, an eminent attorney and the deputy town-clerk. He had shewn an attachment to me on account of the cause I had undertaken, and had given me privately assistance in it. I say privately; because knowing the sentiments of many of the corporate body of Bristol, under whom he acted, he was fearful of coming forward in an open manner. His advice to me was, to take notes of the case for my own private conviction, but to take no public cognizance of it ... The advice, though it was judicious, and founded on a knowledge of Law-proceedings, I found very difficult to adopt ... I [later] reproached myself with my own obstinacy for having resisted the advice of Mr Burges, as has now been explained. All his words now came fresh to my mind.<sup>40</sup>

It should also be noted that the clerk to the committee formed by the African merchants to promote their cause during the campaign for abolition was Jeremiah Osborne, the clerk to the Society of Merchant Venturers.

A more dramatic example of disinterested service occurred in the 1820s when there was a hostile meeting between attorney Richard Brickdale Ward and Sir Henry Lippincott; the latter used an offensive term which was resented by Mr. Ward and this caused a meeting to take place in the neighbourhood of Durdham Down. There was an exchange of shots without any serious consequences, Sir Henry's ball grazing Mr. Ward's foot. The service was rendered by Ward's partner Jeremiah Osborne who acted as his second, surely not an activity envisaged by their partnership agreement.

In company with members of other professions and the merchant community attorneys and solicitors played their part in many and varied societies and organisations. Examples abound; two of the promoters of the Theatre Royal in 1764 were John Lambert (Chatterton's apprentice-master) and Thomas Symons who was a member of the Executive Committee and played a prominent part in the negotiations. A list of members of the Literary and Philosophical Society in 1834 contains at least a dozen attorneys. When the Madrigal Society was formed in 1837 two solicitors were amongst the original members. Members of the profession did not lack a spirit of adventure; on 29 July 1824,



Mr Graham, together with Mr. Robert Saunders, Solicitor of this city ascended in a balloon from the Gas Works Station St. Philip's at 5 o'clock pm. They descended safely near a quarry upon Itchington Common Gloucestershire at 7 o'clock.<sup>41</sup>

Attorneys and solicitors were represented in all shades of religious life.

... in 1750 the Anglican church was the dominant religious power in Bristol. The overwhelming number of inhabitants saw themselves as Anglican, and the Church of England was firmly established at the structural centre of political and cultural life.<sup>42</sup>

Lawyers appear as both high and low churchmen. When, in 1835, the Corporation was compelled to dispose of its advowsons a number were purchased by a group of wealthy businessmen in order to install evangelical preachers in the pulpits; one of their number, Isaac Cooke, himself became the sole patron of St. Mary le Port. Robert Phippen, a high churchman and former mayor, was a generous donor to a number of churches in Bedminster; in 1838 the vicar of St. John's, Bedminster installed a stone reredos, much to the dismay of the local evangelical clergy, and when the bishop 'earnestly and affectionately' requested the vicar and churchwardens to remove it, Phippen, the senior churchwarden refused 'in an intemperate letter'.<sup>43</sup> Many members of the profession were dissenters; John Ayre, who died in 1859 was a Wesleyan local preacher and the assistance which Henry Gandy, a Quaker, gave to Thomas Clarkson and the generosity of Henry Bengough, a Unitarian, have already been noted.

Many towns and cities number local attorneys and solicitors amongst their early amateur antiquarians and historians but this was not the case with Bristol in the eighteenth and nineteenth centuries, although in the following century Dr. E.W.W. Veale made many valuable contributions to the city's history, particularly his volumes on *The Great Red Book of Bristol*. There was one minor exception; James Harris was Clerk to the Pitching and Paving Board and later to the Improvement Committee; on his death in 1855 it was said of him that:

[he was] a careful gleaner of local history and made the best maps and [read] the best of the topographical literature which appeared in his lifetime, being himself a trustworthy authority on many points of Bristol antiquities.<sup>44</sup>

An obituary of which any local historian might justly be proud.

# Notes

## Abbreviations

BRL: Bristol Reference Library  
BRO: Bristol Record Office  
GRO: Gloucester Record Office

NRL: Newport Reference Library  
SRO: Somerset Record Office  
WRO: Wiltshire Record Office

1. GRO D153.
2. BRO 12158(81).
3. The relationship between uncle and nephew deteriorated and the circumstances of the original articles and the subsequent disagreement are set out in a pamphlet published by the uncle in 1818. *The King against Arthur Palmer junior* (BRL 6442).
4. *Bristol Times*. 2 January 1858.
5. SRO DD/SAS C/795 FA 185.
6. A 'ceremony' at which a vendor publicly invited his purchaser to take possession of freehold property.
7. See Chapter VII of E.H.W. Meyerstein's *A Life of Thomas Chatterton* (London 1929).
8. A full account of Jarrit Smith's life can be found in Anton Bantock *The Later Smyths of Ashton Court Part 1* (Malago Publications, Bristol 1984). His professional papers are at BRO AC/JS (15)-(89).
9. On Webb's death in 1751 his widow married Codrington. Their papers survive with the archives of the Calley family to whom Codrington was related. WRO 1178.
10. GRO D1086.
11. Edmund B.V. Christian *A Short History of Solicitors* (London 1896) pp 139-140.
12. *A Letter to the Attornies of Bristol* (M. Gye. Bath. 1806).
13. William Sturge *Some Recollections of a Long Life* (Arrowsmith, Bristol 1893) page 61.
14. The brief for the defence is in the possession of Messrs. Burges Salmon, solicitors, Bristol.
15. GRO D/1086.
16. BRO AC/MU 3 (6).
17. BRO 32955/36.
18. BRO 17839.
19. BRL Daniel Vickery's Bristol Calendar. Volume II folio 194.
20. *Walker at suit of Phillips Upon a Charge of Defamation* (J.B. Marshall. London. 1832). NRL M160/347.
21. For a fuller account of Walker's pursuit of Coombe see *Somerset and Dorset Notes and Queries* Vol XXXIV (March 1999) page 282.
22. An account of the life of this remarkable man (who later moved to the north of England and became known as 'the miners' attorney') is contained in Raymond Challinor *A Radical Lawyer in Victorian England* (Tauris, London. 1990).
23. BRO AC/WO 3 (1).
24. The relationship between the stewards and the Whitmore family who owned the manors is described by Elizabeth White in 'The Whitmores and the Manor of Keynsham' *Somerset Archaeology and Natural History*, 1985 pages 157 *et seq.*
25. BRL Daniel Vickery's Bristol Calendar Volume I folio 7.
26. BRL Jefferies Collection Volume XII folio 198.
27. BRL Jefferies Collection Volume XII folio 202.
28. Quoted in E.B.V. Christian *A Short History of Solicitors* (London 1896) page 125.
29. J.W. Damer Powell *Bristol Privateers and Ships of War* (Arrowsmith, Bristol. 1930) pages 168 and 235.
30. GRO D1086/B10.
31. John Taylor *A Book About Bristol* (Houlston & Son, London. 1872) page 295.
32. J.R. Ward 'Speculative Building at Bristol and Clifton. 1783-1793', *Business History* Vol. XX No. 1 (1978) page 3.
33. 5337.
34. BRL Jefferies Collection Volume X folio 10.
35. Graham Bush *Bristol and its Municipal Government 1820-1852*. (Bristol Record Society 1976) page 25.
36. Bush *op cit* page 130.
37. *Bristol Lists* (Bristol 1899) page 61.
38. BRL Daniel Vickery's Bristol Calendar Volume III folio 51.
39. Thomas Clarkson *The History of the Abolition of the Slave Trade* (London 1808) page 294.
40. Clarkson *op cit* pages 316 and 427.
41. BRL Daniel Vickery's Bristol Calendar Volume I folio 1.
42. Madge Dresser 'Protestants, Catholics and Jews: Religious Differences and Political Status in Bristol, 1750-1850' in Madge Dresser and Philip Ollerenshaw eds. *The Making of Modern Bristol* (Redcliffe Press, Tiverton. 1996) page 97.
43. Peter G. Cobb *The Oxford Movement in Nineteenth Century Bristol* (Bristol Branch of the Historical Association. 1988) page 13.
44. BRL Daniel Vickery's Bristol Calendar Volume II folio 668.

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